

# ASSEMBLY BILL 1048 (TORRICO)

## California Safely Surrendered Baby Law

### PROBLEM

As of June 2008, 251 babies have been safely surrendered in California. Unfortunately, public awareness of the law has been insufficient. The California State Auditor released a report in April 2008 on the Safely Surrendered Baby Law. The audit reported that over 400 babies have been found illegally abandoned in California. Further, the audit found that funding for the program, public awareness, and the information provided to counties about the program were insufficient.

Currently, 33 states have Safe Surrender provisions that allow at least seven days for desperate and unprepared parents to relinquish their parental rights for newborns. North Dakota and Missouri have gone so far as to allow a parent up to one year without the threat of prosecution for child abandonment provided that the child is left with a health care provider<sup>1</sup>. Several of the remaining states are also considering the expansion of their own safe surrender provisions beyond 72 hours.

Despite the protection of anonymity and confidentiality that the current law provides, the stringent 72-hour provision fails to account for factors such as postpartum depression, the lack of public awareness and language and geographic barriers. These factors pose a very real problem especially in many of the remote and rural areas where hospitals and other designated safe surrender sites are not available within their county. For example, Alpine and Sierra counties have absolutely no safe surrender sites because they do not have hospitals and or any other county designated sites. Taking into consideration all the different factors at hand, it is nearly inconceivable that one would be able to reasonably take responsible actions to safely surrender their child within a 72-hour window.

### RELATED LEGISLATION

**AB 2262 (Torrico)** expanded the SSB law to 7 days. On September 30, 2008, it was vetoed by the Governor.

**AB 81 (Torrico)** expanded the SSB Law to 7 days. On October 13, 2007, it was vetoed by the Governor.

**AB 1873 (Torrico)** expanded the SSB Law to 30 days. On September 30, 2006, it was vetoed by the Governor.

<sup>1</sup> Planned Parenthood serving Minnesota-North Dakota-South Dakota, <http://www.ppmns.org>

**SB 116 (Dutton)** took effect January 1, 2005 and made the California Safely Surrender Baby Law permanent. Current law allows:

- a parent to safely drop off a child under 72 hours old to a designated safely surrender site
- provides that safely surrender sites include private and public hospitals and any site voted by a county board of supervisors
- Allows 14 days for parents to reclaim their child
- Parents who safely surrender their child will not be criminally charged
- From January 2001 to January 2007, over 180 babies have been safely surrendered

**AB 2817 (Maddox) of 2002** required for the California Safe Surrender Baby Law to be included in the content of sex education courses when offered in schools.

### SUMMARY

**AB 1048 (Torrico)** expands the California Safely Surrender Baby Law by designating certain locations, such as local fire agencies as safe-surrender sites. The bill also expands the safely surrendered provision from 72 hours to 30 days old or younger.

### STATUS

- Introduced on February 27, 2009
- Assembly Public Safety Committee on April 14, 2009 (Passed 5-0)
- Assembly Judiciary Committee on April 21, 2009 (Passed 8-2)
- Assembly Appropriations Committee on May 28, 2009 (Passed 67-9)
- Senate Judiciary Committee on July 7, 2009 (Passed 4-1)
- Senate Appropriations Committee on July 20, 2009

### SUPPORT

- Alpine County Children's Services, Family Support & Child Abuse Prevention Council and Child Care & Development Planning Council
- American College of Obstetrician and Gynecologists (ACOG), District IX (CA)
- Butte County Child Abuse Prevention Council
- California Attorneys for Criminal Justice
- California Catholic Conference
- California Fire Chiefs Association

- California Medical Association
- California Psychiatric Association
- California Psychological Association
- California PTA
- California Professional Firefighters
- City of San Jose
- County of Yolo
- Fire Districts Association of California
- Kern County Child Abuse Prevention Council
- Lake Family Resource Center
- League of California Cities
- Mariposa Safe Families
- Planned Parenthood (Golden Gate)
- San Mateo County Child Abuse Prevention Council
- State of California, Commission on the Status of Women
- Tahoe Youth & Family Services
- Yolo County Children's Alliance and Child Abuse Prevention Coordinating Council

## **OPPOSITION**

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- California State Association of Counties
- County Welfare Directors Association of California
- Supervisor, Fourth District, County of Los Angeles

## **FOR MORE INFORMATION**

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